

**IOWA BOARD OF MEDICINE
REGULARLY SCHEDULED MEETING: August 29-30, 2013**

A G E N D A^{1, 3, 4, 5}

BOARD MEMBERS: Greg Hoversten, D.O., Chairperson; Hamed Tewfik, M.D., Vice Chairperson; Michael Thompson, D.O., Secretary; Robert Bender, M.D.; Frank Bognanno; Julie Carmody, M.D.; Diane Clark; Ann Gales; Julie Perkins, M.D.; Allison Schoenfelder, M.D.

THURSDAY, AUGUST 29, 2013

7:30 a.m. **EXECUTIVE COMMITTEE** – Medical Conference Room B
Chair Hoversten, Clark, Gales, Tewfik, Thompson

7:30 a.m. **SCREENING COMMITTEE** – Board Room
Chair Perkins, Bender, Bognanno, Carmody, Schoenfelder

9:00 a.m. **MONITORING COMMITTEE** – Board Room
Chair Tewfik, Bognanno, Carmody, Hoversten, Perkins

9:00 a.m. **LICENSURE COMMITTEE** – Medical Conference Room B
Chair Thompson, Bender, Clark, Gales, Schoenfelder

BOARD – OPEN SESSION – Board Room
Chair Hoversten, Bender, Bognanno, Carmody, Clark, Gales, Perkins, Schoenfelder, Tewfik, Thompson

BOARD – CLOSED SESSION¹ – Board Room
Chair Hoversten, Bender, Bognanno, Carmody, Clark, Gales, Perkins, Schoenfelder, Tewfik, Thompson

LUNCH BREAK

BOARD – CLOSED SESSION¹ – Board Room
Chair Hoversten, Bender, Bognanno, Carmody, Clark, Gales, Perkins, Schoenfelder, Tewfik, Thompson

BOARD – OPEN SESSION – Board Room
Chair Hoversten, Bender, Bognanno, Carmody, Clark, Gales, Perkins, Schoenfelder, Tewfik, Thompson

A. Unlicensed practice of medicine

1. Kristie S. Stutt

B. Vote on closed session cases

C. Go to recess until 8:00 a.m. Friday, August 30, 2013

FRIDAY, AUGUST 30, 2013

8:00 a.m.

BOARD – OPEN SESSION – Board Room

Chair Hoversten, Bender, Bognanno, Carmody, Clark, Gales, Perkins, Schoenfelder, Tewfik, Thompson

BOARD – CLOSED SESSION¹ – Board Room

Chair Hoversten, Bender, Bognanno, Carmody, Clark, Gales, Perkins, Schoenfelder, Tewfik, Thompson

A. Review of closed minutes

1. June 27-28, 2013, Board meeting
2. July 11, 2013, teleconference
3. July 25, 2013, teleconference
4. August 8, 2013, teleconference

LUNCH BREAK

BOARD – CLOSED SESSION¹ – Board Room

Chair Hoversten, Bender, Bognanno, Carmody, Clark, Gales, Perkins, Schoenfelder, Tewfik, Thompson

1:00 p.m.

BOARD – PUBLIC MEETING (OPEN SESSION) – Board Room

Chair Hoversten, Bender, Bognanno, Carmody, Clark, Gales, Perkins, Schoenfelder, Tewfik, Thompson

A. Roll-call to establish quorum, acknowledgement of absent Board members, and approval of agenda^{3,4}

B. Opportunity for public comments⁵

1. Comments by public present
2. Phone-in comments from James J. Amos, M.D., regarding maintenance of licensure

C. Board minutes for consideration of approval:

1. June 27-28, 2013, Board meeting (open & closed)
2. July 11, 2013, teleconference (open & closed)
3. July 25, 2013, teleconference (open & closed)
4. August 8, 2013, teleconference (open & closed)

D. Chair's report

E. Executive Director's report

F. Administrative rules

Noticed rules

1. **ARC 0891C** – Amend IAC 653 – Chapter 13 to establish standards of practice for physicians who prescribe or administer abortion-inducing drugs. Public hearing was held August 28.

2. **ARC 0889C** – Amend IAC 653 – Chapter 1 to limit Board member’s term as Board chairperson. Public hearing was held August 13.
3. **ARC 0943C** – Amend IA C 653 – Chapters 8, 9, and 10 adjust various fees. Public hearing was held August 27.
4. **ARC 0890C** – Amend IAC 653 – Chapter 13 to rescind an outdated rule on physician supervision of pharmacists who administer adult immunizations. Public hearing wasn’t necessary. This rule change is being made to comply with state law.
5. **ARC 0977C** – Amend IA C 653 – Chapter 14 to update language to provide clarity and more closely align rules with practices of the Iowa Physician Health Committee and program. Public hearing will be held September 10, 11 a.m.

For consideration of adoption

1. **ARC 0891C** – Amend IAC 653 – Chapter 13 to establish standards of practice for physicians who prescribe or administer abortion-inducing drugs. Public hearing was held August 28.
2. **ARC 0889C** – Amend IAC 653 – Chapter 1 to limit Board member’s term as Board chairperson. Public hearing was held August 13.
3. **ARC 0943C** – Amend IAC 653 – Chapters 8, 9, and 10 adjust various fees. Public hearing was held August 27.
4. **ARC 0890C** – Amend IAC 653 – Chapter 13 to rescind an outdated rule on physician supervision of pharmacists who administer adult immunizations. Public hearing wasn’t necessary. This rule change is being made to comply with state law.

Adopted rules

1. **ARC 0871C** – Amend IAC 653 – Chapters 8, 9, and 11 to exempt the permanent licensure renewal fee and the continuing education requirements for physicians on full-time active duty in the U.S. armed forces, reserves or National Guard. These amendments became effective August 28, 2013.
2. **ARC 0870C** – Amend IAC 653 – Chapter 21 to recognize the 1:5 ratio for physician supervision of a physician assistant. This amendment became effective August 28, 2013.

G. Heartland Healthcare Services’ request for waiver or variance on collaborative drug therapy management

H. Proposed Iowa pilot for virtuwel with CoOpportunity Health

1. e-mail from David Lyons, CEO, CoOpportunity Health
2. Pilot proposal
3. Overview of virtuwel
4. Health Affairs article on virtuwel

I. Medical malpractice lawsuits and claims

1. Board's form for review/evaluation of suits, claims
2. Public Citizen's national report on medical malpractice payments
3. State Court Administrator's report on malpractice lawsuits filed in Iowa

J. Out-of-state disciplinary actions involving inactive Iowa medical licenses

1. August 7, 2013, memorandum

K. Iowa Physician Health Committee/Program

1. Statistical report

L. Update on judicial review of Board cases and related cases

(Asterisk indicates case is pending in the Supreme Court/Court of Appeals.

Other cases are in district court.)

1. **Adel Al-Jurf, M.D.*** - Board decision affirmed by Appeals Court 7/24
2. **Amjad Butt, M.D.*** - Application for further review denied
3. **Mark Collison, M.D.*** - Briefs submitted
4. **Donna DeLouis, D.O.** - Briefs submitted. Hearing 9/6
5. **Robert Tobin, M.D.*** - Briefs submitted
6. **Fawad Zafar, M.D.** - Briefs submitted
7. **Doe v. Iowa Board of Medicine** – filed motion to dismiss an argument on 8/22
8. **Wendy R. Smoker, M.D.**
9. **Iowa Supreme Court decision on administrative rules permitting advanced nurse practitioners to supervise fluoroscopy.**
 - a. Letter from Craig Clark, M.D. asking Iowa Board of Medicine to respond to Supreme Court's decision.

M. Licensure & Licensure Committee Report

N. Reports & Articles

1. *Thousands of doctors practicing despite errors, misconduct*, by Peter Eisler and Barbara Hansen, USA TODAY, August 21, 2013
2. *Seeing doctors on video? Most insurers won't pay*, by Kathleen Haughney, Tallahassee, Florida, Sun-Sentinel, August 15, 2013
3. *FSMB Model Policy on Use of Opioid Analgesics in the Treatment of Chronic Pain*, July 2013

BOARD – CLOSED SESSION¹ – Board Room

Chair Hoversten, Bender, Bognanno, Carmody, Clark, Gales, Perkins, Schoenfelder, Tewfik, Thompson

BOARD – OPEN SESSION – Board Room

Chair Hoversten, Bender, Bognanno, Carmody, Clark, Gales, Perkins, Schoenfelder, Tewfik, Thompson

A. Vote on Closed Session Cases

ADJOURN

(1) The confidential matters listed on the agenda may concern medical records on the condition, diagnosis, care or treatment of a patient or investigation reports and other investigative information which are privileged and confidential under the provisions of Sections 22.7(2) and 272C.6(4), of the 2012 Code of Iowa. These matters constitute a sufficient basis for the Board to consider a closed session under the provisions of Section 21.5(1)(a), (d), (f) and (g) of the 2012 Code of Iowa. These sections provide that a governmental body may hold a closed session only by affirmative public vote of either two-thirds of the members of the body if all present, or all of the members present if not all members are present at the meeting to review or discuss records which are required or authorized by state or federal law to be kept confidential, to discuss whether to initiate licensee disciplinary investigations or proceedings and to discuss the decision to be rendered in a contested case conducted according to the provisions of Chapter 17A.

(2) Hearings may be closed at the discretion of the licensee, according to Section 272C.6(1) of the Code of Iowa 2012.

(3) Public agenda materials are available via e-mail. Public sessions are recorded and available via CD upon request. Contact natalie.sipes@iowa.gov

(4) The Iowa Board of Medicine may address agenda items out of sequence to accommodate persons appearing before the Board or to aid in the efficiency or effectiveness of the meeting.

(5) At this time, members of the audience may address the Board for a period not to exceed 5 minutes. The Board reserves the right to reduce this time based on the number wishing to speak. If a member of the public wishes to address the Board with the intention of getting a Board decision at the meeting, the individual should request permission to be on the Board agenda. Written requests are due in the Board office at least 14 days in advance of the meeting.

The next scheduled Board meeting is Thursday and Friday, October 24-25, 2013, at 400 SW Eighth Street, Suite C, Des Moines, Iowa.

If you require the assistance of auxiliary aids or services to participate in/or attend the meeting because of a disability, please call our ADA Coordinator at (515) 281-5604. If you are hearing impaired, call Relay IA TTY at 1-800-735-2942.